

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:12-cv-00232-MR**

TIMOTHY McCARTHY,)
)
 Plaintiff,)
)
 vs.)
)
)
 BANK OF AMERICA, N.A.,)
 ANDREA DICKENS, and)
 RONALD BERG,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court *sua sponte*.

On August 10, 2012, the Plaintiff filed this action against the Defendants Bank of America, N.A., Andrea Dickens, and Ronald Berg. [Doc. 1]. To date, there is nothing in the record to indicate that the Plaintiff has served the Defendant Andrea Dickens.

Rule 4(m) of the Federal Rules of Civil Procedure provides, in pertinent part, as follows:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

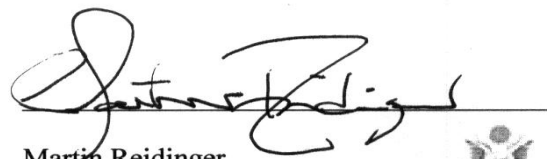
The Plaintiff is hereby placed on notice that unless good cause is shown to the Court for his failure to effect service of the Summons and Complaint on Defendant Dickens within fourteen (14) days from service of this Order, the Plaintiff's action against this Defendant shall be dismissed without prejudice without further order.

IT IS, THEREFORE, ORDERED that the Plaintiff shall show good cause within fourteen (14) days of service of this Order for the failure to effect service on the Defendant Andrea Dickens; and

IT IS FURTHER ORDERED that failure of the Plaintiff to respond in writing within fourteen (14) days shall result in a dismissal without prejudice of this action without further order of the Court.

IT IS SO ORDERED.

Signed: January 30, 2013


Martin Reidinger
United States District Judge

